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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,509	03/29/2001	Dennis Sunga Fernandez	078700-110102/US	8530
33717 7590 07/03/2008 GREENBERG TRAURIG LLP (L.A.) 2450 COLORADO AVENUE, SUITE 400E INTELLECTUAL PROPERTY DEPARTMENT SANTA MONICA, CA 90404				
EXAMINER VO, TUNG T				
ART UNIT 2621		PAPER NUMBER		
MAIL DATE 07/03/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/823,509

Applicant(s)

FERNANDEZ ET AL.

Examiner

Tung Vo

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-33 and 39-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-23 and 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-33 and 39-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-29, 31-33, 39-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanchett (US 5,396,429) in view of Mertens et al. (US 5,767,505).

Re claims 24, 31-32, and 48, Hanchett teaches a system (fig. 1) for monitoring objects (cars, fig. 5), the system comprising:

a detector (14 of fig. 1, details in figure 2) configured to provide a first data associated with an object (image data and identification camera are processed to determine the location of monitor station, 26 of fig. 2), the detector being at a fixed location (14 of fig. 1, the monitor stations are spaced apart as fixed location);

a target unit (18 of fig. 1, see details in fig. 4) comprises a second data with the object (Note a position location means determines the position of the display unit, compares that position with the identification of the images being displayed, the identification being correlated with the geographic position of the monitor station providing those images; col. 3, lines 45-49, the target unit (18 of fig. 1)) being mobile relative to the detector (mobile would obviously be a car, truck or vehicle);

a processor (112 of fig. 4) configured to receive the first data and the second data, the processor being further configured to correlate the location of the object based on the first data and the location of the object based on the second data (Note 112 of fig. 4, note the receiver (18, 112 of fig. 4) is also responsive to a local broadcast of the camera's identification signal to thereby determine the geographical location of the user and alert the user when particularly pertinent images are being displayed and when decision points are reached where the user must make a route change choice).

It is noted that Hanchett does not particularly teach a sensor configured to provide a second data associated with the object as claimed.

Mertens teaches a sensor configured to provide a second data associated with the object (col. 1, lines 40-45, col. 2, lines 56-64; col. 3, lines 10-16).

Taking the teachings of Hanchett and Mertens as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Mertens into the system of Hanchett for determining the position basically makes a continuous position determination possible so that the user will be able to avoid ahead traffic.

Re claim 25, Hanchett further teaches wherein the target unit comprises a locator unit configured to determine the location of the target unit (col. 3, lines 45-49; note a position location means determines the position of the display unit, compares that position with the identification of the images being displayed, the identification being correlated with the geographic position of the monitor station providing those images), the processor (112 of fig. 4) being further configured to receive the location of the target unit, the processor being further

configured to determine whether the target unit is within range of the detector (Note the processor determines geographic location of the user).

Re claim 26, Hanchett further discloses wherein: the target unit provides location information associated with the object (18 of fig. 1, see details in figure 4); and the detector provides an image of the object (14, 24, and 42 of fig. 2).

Re claim 27, Hanchett further teaches wherein: the object is a vehicle (18 of fig. 1); and the target unit is mounted or carried in the vehicle (112 of fig. 4).

Re claim 28, Hanchett further teaches wherein a database (speed data and image data are stored a storage for retrieval as considered database) is coupled to the processor (112 of fig. 4) to maintain the current position for a plurality of sensors (14 of figs. 1 and 2).

Re claim 29, Hanchett further teaches wherein the target unit comprises an accelerometer coupled to provide data indicative of movement to trigger object position calculation (Note the mobile, 18 of fig. 1, would obviously be a vehicle that comprises accelerometer).

Re claim 33, Hanchett further discloses wherein the second data comprises an object identifier, the method further comprising registering the object identifier in a database to indicate association with the object (col. 3, lines 45-55).

Re claim 39, Hanchett further teaches wherein the target unit comprises a locator unit coupled to determine the location of the target unit, the second data comprising the location of the target unit (col. 3, lines 45-49).

Re claim 40, Hanchett further teaches wherein correlating the location based on the first data and the location based on the second data comprises determining whether the locations are consistent (112 of fig. 4).

Re claim 41, Hanchett further teaches wherein correlating the location based on the first data and the location based on the second data comprises determining a movement vector to predict a future location of the object (col. 3, lines 45-59).

Re claim 42, Hanchett further teaches a plurality of detectors each having a corresponding observation range (Speed Sensors; 37 and 44 of fig. 2; Image Sensors, 38 and 42 of fig. 2), wherein at least one of the plurality of detectors is selected to observe the object (40 and 42 of fig. 2), the detector (Speed Sensor, 37 and 38 of fig. 2; identification of camera is location of the camera position) being selected by determining the location of the object based on the second data.

Re claim 43, Hanchett further teaches wherein the first data comprises at least one of an image of the object and an identifier associated with the object (col. 3, lines 1-14; col. 7, lines 4-18).

Re claim 44, Hanchett further teaches wherein the first data comprises a plurality of images of the object captured at different times (col. 7, lines 18-31).

Re claim 45, Hanchett further teaches wherein the second data comprises at least one of an image of the object and an identifier associated with the object (col. 6, lines 67-col. 7, lines 4, identification code or means).

Re claim 46, Hanchett further teaches wherein the second data comprises a plurality of images of the object captured at different times (col. 7, 18-30, update five minutes).

Re claim 47, Hanchett further teaches wherein the location of the object based on the first data is determined at least in part based on the location of the detector (14 of fig. 7; the monitor stations are spaced apart).

3. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanchett (US 5,396,429) in view of Mertens et al. (US 5,767,505).

Re claim 30, it is noted that the combination of Hanchett and Mertens teaches the target unit comprises a radio-frequency identification device to locate the object (86, 82 of fig. 4, Hanchett; GPS system of Mertens), except the object is an identified good; and the detector comprises a camera for observing the identified good, thereby enabling the sensor and the detector to provide corroborative surveillance of the identified good as claimed.

However, Woolston teaches Internet (col. 14, lines 51-63) and at least one fixed detector (12 of fig. 1) that comprises a camera (12 of fig. 1) for observing such identified good as the object, thereby enabling the sensor (14 of fig. 1) and the detector (12 of fig. 1) to provide surveillance of the identified goods within an observable range (the camera 12 of figure 1 is able to capturing the goods within an observation range) in which the sensor (14 of fig. 1) is mobile relative to the detector; the detector comprises visual-analyzer means (920 of fig. 13, viewing goods) for recognizing adaptively the identified goods using a neural network or simulation program (the image is generated by the camera (12 of fig. 1)) and displaying the image on the display (16 of fig. 1).

Therefore, taking the teachings of Hanchett, Mertens, and Woolston as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Woolston into the console processing unit of Short for observing goods with its price during inventory. Doing would allow the user to easily set up his or her own warehouse, store, or retailer for buying and selling goods via the Internet.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/

Primary Examiner, Art Unit 2621